

112TH CONGRESS
1ST SESSION

H. R. 313

[Report No. 112-]

To amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2011

Mr. SMITH of Texas (for himself and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER --, 2011

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drug Trafficking Safe
5 Harbor Elimination Act of 2011”.

6 **SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES**

7 **ACT TO CLARIFY CONSPIRACIES CONDUCTED**

8 **WITHIN THE UNITED STATES MAY BE CRIMI-**

9 **NALLY PROSECUTED IN THE UNITED STATES.**

10 Section 406 of the Controlled Substances Act (21
11 U.S.C. 846) is amended by—

12 (1) inserting “(a)” before “Any”; and

13 (2) inserting at the end the following:

14 “(b) Whoever, within the United States, conspires
15 with one or more persons, or aids or abets one or more
16 persons, regardless of where such other persons are lo-
17 cated, to engage in conduct at any place outside the
18 United States that would constitute a violation of this title
19 if committed within the United States, shall be subject to
20 the same penalties that would apply to such conduct if
21 it were to occur within the United States.”.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Drug Trafficking Safe*
24 *Harbor Elimination Act of 2011”.*

1 **SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES**
2 **ACT TO CLARIFY CONSPIRACIES CONDUCTED**
3 **WITHIN THE UNITED STATES MAY BE CRIMI-**
4 **NALLY PROSECUTED IN THE UNITED STATES.**

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6 *U.S.C. 846) is amended by—*

7 *(1) inserting “(a)” before “Any”; and*

8 *(2) inserting at the end the following:*

9 *“(b) Whoever, within the United States, conspires with*
10 *one or more persons, or aids or abets one or more persons,*
11 *regardless of where such other persons are located, to engage*
12 *in conduct at any place outside the United States that*
13 *would constitute a violation of this title, other than a viola-*
14 *tion of section 404(a), if committed within the United*
15 *States, shall be subject to the same penalties that would*
16 *apply to such conduct if it were to occur within the United*
17 *States.”.*